

Bedford Hills, New York
February 21, 2012

A public hearing was held by the Town Board of the Town of Bedford on February 21, 2012 at the Town Offices, 321 Bedford Road, Bedford Hills, New York to consider an addition to Chapter 52 – Electrical Inspections – of the Code of the Town of Bedford - Local Law #2 - 2012 – the Energy Conservation Construction Code for Residential Dwellings. The meeting was called to order at 8:21 P.M. by Supervisor Roberts.

Present:	Lee V. A. Roberts	: Supervisor
	Peter Chryssos	: Councilman
	Francis T. Corcoran	: Councilman
	Chris Burdick	: Councilman
	David Gabrielson	: Councilman
	Lisbeth Fumagalli	Town Clerk
	Eric Gordon	: Town Attorney
	William Hayes	: Chief of Police
	Steven Fraietta	: Building Inspector
	Amy Pectol	: Receiver of Taxes
	Edward Ritter	: Town Comptroller

And twenty (20) residents/observers.

Proof of publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on February 10, 2012.

Mrs. Roberts asked Building Inspector Steven Fraietta to review this proposed legislation. He noted that this would legislation would affect new construction and renovations, encouraging energy efficiency and conservation. He added that the building would receive HERS rating or in the case of new construction, an Energy Star rating. Kevin Brenner, a certified HERS rater explained the system.

The proposed legislation received the support of several residents that were present, including two contractors that spoke in favor of it.

On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED:

Ayes:	Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays:	None
Absent:	None

RESOLVED that the Town Board does hereby close the public hearing to consider an addition to Chapter 52 – Electrical Inspections – of the Code of the Town of Bedford - Local Law #2 -2012 – the Energy Conservation Construction Code for Residential Dwellings.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED:

Ayes:	Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays:	None
Absent:	None

RESOLVED that the Town Board does hereby issue a negative declaration relative to an addition to Chapter 52 – Electrical Inspections – of the Code of the Town of Bedford - Local Law #2 -2012 – the Energy Conservation Construction Code for Residential Dwellings as the adoption of this legislation will have no adverse physical or environmental effects.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED:

Ayes:	Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays:	None

Absent: None

LOCAL LAW NO. 2-2012 TO ADD - CHAPTER 52.1 OF THE TOWN CODE

BE IT RESOLVED, that the Town of Bedford Adds Chapter 52.1 of the Code of the Town of Bedford regarding Energy Conservation, as follows:

BE IT ENACTED by the Town Board of the Town of Bedford as follows:

The Town of Bedford hereby adds Chapter 52.1 entitled “Energy Conservation”, as follows:

Article I Residential Construction (§52.1-1 – 52.1-6)

§ 52.1-1. Title.

This article shall be known and may be cited as the “Energy Conservation Construction Code for Residential Dwellings”

§ 52.1-2. Purpose; objectives; intent.

The purpose of this section is to protect the public health, safety and welfare of the residents of Bedford by reducing energy use, particulate and greenhouse gas emissions, thus also protecting the integrity of the environment. The Town recognizes that energy conservation provides not only important environmental benefits but also reduces the cost of owning a home. Homes rated to a HERS Index of 70 or lower or that qualify for the New York Energy Star Homes program while also verified to meet the NYS Energy Conservation Code offer homeowners a more comfortable and a healthier environment, provide significant savings on monthly energy bills, reduce the costs associated with home ownership and rising energy prices and prevent unnecessary economic hardships and strengthen our community.

§ 52.1-3. Definitions.

For the purpose of this article, the following words and terms shall be deemed to have the meanings herein given to them:

ACCA MANUAL J – Air Conditioning Contractors of America Manual J Projects for residential (heating/cooling) load calculation.

ASHRAE – American Society of Heating, Refrigeration, Air Conditioning Engineers

BUILDING PERFORMANCE INSTITUTE – A national standards development and credentialing organization for residential energy efficiency work.

HERS RATER

A Residential Energy Services Network (RESNET) certified home energy rater with an active Partnership Agreement for New York State Energy Research and Development Authority’s (NYSERDA’s) New York Energy Star Labeled Homes Program. Certified HERS raters shall be active with a RESNET accredited provider in New York State.

CONDITIONED SPACE -

The part of the residential structure that is heated and/or cooled by mechanical and/or electrical means.

ECCCNYS - Energy Conservation Construction Code of New York State

HERS INDEX

A numerical scoring system established by Residential Energy Services Network (RESNET) that represents the relative energy use of a Rated Home as compared with the energy use of a HERS Reference Home and where an Index value of 100 represents the energy use of the HERS Reference Home and an Index of 0 (zero) represents a home that uses zero net purchased energy.

NEW RESIDENTIAL DWELLING

A proposed residential dwelling, for which a building permit application is submitted.

NEW YORK ENERGY STAR LABELED HOME

The current minimum requirements necessary for a new dwelling to be certified as a New York Energy Star labeled home under the New York Energy Star Labeled Homes Program. The New York Energy Star Labeled Homes Program is operated as part of the state's Energy Smart Program, which is sponsored by the New York State Public Service Commission (PSC) and the New York State Energy Research and Development Authority (NYSERDA).

RENOVATED RESIDENTIAL DWELLING

An existing residential dwelling, for which a building permit application is submitted for the proposed demolition, addition or a combination thereof to the existing Conditioned Space's wall/ceiling systems which would equal or exceed 75% of the dwelling's total interior wall/ceiling space that make up the thermal envelope;

RESIDENTIAL DWELLING A single-family, two-family or multi-family dwelling (not exceeding four connected units) not more than three stories in height, including but not limited to townhouses.

THERMAL ENVELOPE

The components of a home (ceilings, walls, windows, doors, floors and foundation) that separate the conditioned space from unconditioned spaces, ambient conditions or outdoors.

§ 52.1-4. Building requirements and compliance.

- A. Beginning on July 1, 2012 any new residential dwelling or renovated residential dwelling shall be built to achieve minimum energy conservation performance, in accordance with the requirements of this article.
- B. Prior to the issuance of a building permit for any new residential dwelling or renovated residential dwelling, the applicant shall certify compliance with the current version of the Energy Conservation Construction Code of New York State by submitting either:
 - 1. HERS Compliance Certificate from an independent certified HERS rater indicating that the building was designed to meet the required HERS index of 70 or lower, or
 - 2. New York Energy Star Labeled Homes Program Compliance Certificate.
- C. Prior to the issuance of a Certificate of Occupancy for any new residential dwelling or renovated residential dwelling which is granted a building permit after the effective date of this measure, the applicant shall be required to demonstrate compliance with all the following requirements:
 - 1. Achieves a HERS Rating Index of 70 or lower and have a maximum air infiltration rate of 5 Air Changes per Hour (ACH) at 50 Pascals or provide evidence that the subject dwelling complies with all aspects of the NY ENERGY STAR Homes Program;
 - 2. Includes an automatically controlled mechanical ventilation system that provides whole-house ventilation at a rate required by the ASHRAE 62.2 standard most recently published at the time the most recent building permit was issued;
 - 3. Complies with the combustion safety testing standards promulgated by the Building Performance Institute, as tested by a building analyst certified by the Building Performance Institute;
 - 4. Ducts within the subject dwelling have been subjected to an HVAC duct leakage test as required by the ECCCNY Section 403.2.2 and the system has a leakage rate to outside no greater than 0.06 cubic fm for each square foot of conditioned space. For homes with multiple systems, the aggregate leakage of all installed duct systems will be no greater than the maximum allowable rate as calculated by the formula above;

5. An ACCA Manual J evaluation has been performed for the subject dwelling as defined in § 403.6 (Equipment Sizing) of the ECCCNYs;
 6. All HVAC ducts not completely inside the subject dwelling's thermal envelope are insulated to a minimum of R-6 as defined in § 405.2 (Duct Insulation) of the ECCCNYs;
 7. A permanent certificate has been affixed on or in the electrical distribution panel in accordance with Chapter 4, § 401.3 of the ECCCNYs , which includes the building's HERS Index.
- D. Prior to July 1, 2012 , The Town of Bedford Building Department shall establish requirements for HERS raters practicing in the Town to provide proof of certification, insurance, experience and independence, and shall maintain a list of raters that have provided this information and filed other required information with Building Inspector. The Town of Bedford Building Department shall establish rules to limit conflicts of interest in the HERS rating of subject dwellings. Raters may be removed from the approved list by the Building Department for cause. The Town of Bedford Building Department shall maintain a document that contains a complete and current description of the New York Energy Star Labeled Homes program, to be posted on the Town's website and updated from time to time.

§ 52.1-5. Severability.

If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part whereof directly involved in the controversy in which such judgment shall have been rendered.

§ 52.1-6. Conflicting laws.

If any provision of this article shall be in conflict with any other local law or ordinance of the Town of Bedford or any law of the State of New York or political subdivisions thereof, the provision of the more restrictive law shall apply.

There being no further discussion the hearing was adjourned at 8:55 pm.

Lisbeth Fumagalli, Town Clerk